

Message Text

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ORIGIN EUR-25

INFO OCT-01 ADP-00 CU-04 CIAE-00 DODE-00 PM-09 H-02 INR-09

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C O N F I D E N T I A L STATE 050463

E. O. 11652: GDS

TAGS: PFOR

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SUBJECT: CSCE: DRAFT DECLARATION OF PRINCIPLES

REF: (A) USNATO 4828; (B) STATE 26154; (C) STATE 26071

FOLLOWING GUIDANCE IS PROVIDED FOR NEXT DISCUSSION OF
DRAFT DECLARATION OF PRINCIPLES FOR CSCE:

1. WE BELIEVE IT WOULD BE DESIRABLE TO RESUME DISCUSSION OF DRAFT DECLARATION OF PRINCIPLES BASED ON TEXT WORKED OUT BY SPC/ LEGAL EXPERTS (REFTEL) WITH A VIEW TO PRODUCING AN AGREED DRAFT WHICH ALL ALLIES CAN SUPPORT AT APPROPRIATE TIME IN CSCE. YOU SHOULD DRAW ON FOLLOWING GUIDANCE WHEN NATO CONSULTATIONS ON THIS TOPIC RESUME.
2. WE SEE MAIN VALUE OF DECLARATION NOT SO MUCH IN ESTABLISHING COMMON CODE OF CONDUCT WITHIN EUROPE, PRINCIPLES OF WHICH HAVE ALREADY BEEN ACCEPTED IN UN CHARTER, AS IN EMPHASIZING THAT SUCH ESTABLISHED PRINCIPLES APPLY TO RELATIONS WITHIN A SOCIAL SYSTEM (EASTERN EUROPE) AS WELL AS BETWEEN (OR " IRRESPECTIVE OF") SOCIAL SYSTEMS.
3. WE ASSUME INITIAL SOVIET OBJECTIVE WILL BE TO GIVE PROMINENCE TO STRONG STATEMENT ON INVIOABILITY OF EXISTING EUROPEAN FRONTIERS.
4. WE ASSUME THAT WHATEVER TEXT WESTERN COUNTRIES INTRODUCE WILL BE PARALLELED BY TEXT SUBMITTED BY SOVIETS AND THAT FINAL DECLARATION WILL TAKE BOTH INTO ACCOUNT.
5. BULK OF PRINCIPLES IN BOTH DRAFTS ARE LIKELY TO BE DRAWN FROM UN CHARTER AND UN FRIENDLY RELATIONS DECLARATION AND CERTAIN BILATERAL DOCUMENTS. WHILE EXACT FORMULATION OF THESE PRINCIPLES MAY REQUIRE NEGOTIATION, THE CRITICAL PROBLEMS ARE LIKELY TO BE THOSE IN THE FIELD OF THE SOVIET DOCTRINE OF INTERVENTION AND FRONTIERS.
6. STRONG SOVIET INTEREST IN OBTAINING WESTERN AGREEMENT TO FORMULATION OF FRONTIERS OFFERS THE BEST CHANCE OF INDUCING THEM TO ACCEPT LANGUAGE WHICH, ON ITS FACE, IS CLEARLY INCOMPATIBLE WITH SOVIET CLAIMED RIGHT OF INTERVENTION IN SOCIALIST COUNTRIES. MINIMUM SOVIETS COULD
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COMFORTABLY HOLD OUT FOR WOULD BE SOMETHING SIMILAR TO KOSYGIN COMMUNIKES WITH NORWAY AND CANADA WHERE THEY ACCEPTED PRINCIPLE OF NON- INTERVENTION " IRRESPECTIVE" OR " REGARDLESS" OF POLITICAL OR SOCIAL SYSTEMS. WE SHOULD MAKE EVERY EFFORT TO TAKE THEM A STEP BEYOND THAT.

7. IT IS IMPORTANT THAT WE GO INTO CSCE WITH A DOCUMENT THAT WILL BOTH CLEARLY EXPRESS WESTERN DESIDERATA FROM A PUBLIC RELATIONS POINT OF VIEW AND BE AN EFFECTIVE BARGAINING INSTRUMENT WITH SOVIETS IN CSCE ITSELF. WE BELIEVE

PRESENT TEXT DEVELOPED IN NAC SUBSTANTIALLY MEETS THESE TESTS, SUBJECT TO MODIFICATIONS ALONG LINES SET FORTH BELOW:

A. IN GENERAL WE WOULD PREFER TO USE CONCEPT OF "EACH STATE" IN LIEU OF "ALL STATES" WHEREVER FEASIBLE. PRESENT TEXT USES BOTH APPROACHES. USE OF "EACH STATE" TENDS TO FOCUS ATTENTION ON INDIVIDUALITY AND SEPARATE SOVEREIGNTY OF EASTERN EUROPEAN COUNTRIES IN WAY WHICH IS SLIGHTLY BLURRED BY BROADER TERMINOLOGY. WE WOULD HOPE TEXT COULD BE REVIEWED IN NEXT NAC MEETING WITH THIS IN MIND.

B. PRINCIPLES BEGINNING PARA. 4 ET SEQ. USE "SHALL", "SHOULD" AND "WILL" AS OPERATIVE VERB. WE WOULD PREFER UNIFORM USE OF VERB "WILL" WHICH IS LESS MANDATORY THAN "SHALL" WHICH MIGHT BE READ TO IMPOSE A LEGAL OBLIGATION. "SHOULD" IS TOO TENTATIVE AND CAN BE INTERPRETED AS IMPLYING NO MORAL OR POLITICAL OBLIGATION WHATSOEVER.

C. CONSISTENT WITH "DECLARES" PARAGRAPH, PRINCIPLES SHOULD APPLY ONLY TO RELATIONS BETWEEN PARTICIPANTS SO

THAT OBLIGATIONS SHOULD BE TO "THE OTHER STATES" OR "PARTICIPATING STATES" AND NOT "ALL OTHER STATES" AS IN PRESENT OPERATIVE PARAGRAPHS 2 AND 9.

D. RE SUGGESTION STATE 26154 THAT NEW PARA REFERRING TO MBFR AND OTHER ARMS LIMITATION DISCUSSIONS MIGHT BE INSERTED BETWEEN PARAS A AND B OF EXISTING PREAMBLE, IN VIEW OBJECTIONS FROM FRENCH AND SOME OF OTHER ALLIES, YOU SHOULD REMAIN FLEXIBLE CONCERNING THIS PROPOSAL.
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E. SUBSTANCE OF KEY "DECLARES" PARAGRAPH ACHIEVES OUR CENTRAL POINT OF STRESSING THAT REMAINING OPERATIVE PARAGRAPHS CANNOT BE RESTRICTED BY VIRTUE OF A STATE'S "MEMBERSHIP WITH OTHER STATES IN A POLITICAL, ECONOMIC OR SOCIAL SYSTEM". IT IS THIS CONCEPT THAT MUST BE MAINTAINED. HOWEVER, WE BELIEVE CERTAIN IMPROVEMENTS COULD BE MADE IN PRESENT WORDING INCLUDING BRINGING OUT MORE CLEARLY OUR PARTICULAR CONCERN ABOUT RESTRICTIONS WITHIN THE SAME POLITICAL/ SOCIAL/ ECONOMIC SYSTEM. WE SUGGEST PARA BE REVISED TO READ AS FOLLOWS: "DECLARE HEREBY THEIR COMMON DETERMINATION TO BE GUIDED, EACH IN ITS RELATIONS WITH THE OTHERS, BY THE PRINCIPLES SET OUT BELOW, WHICH ARE TO BE APPLIED IN THEIR ENTIRETY BY AND TO EACH STATE, IRRESPECTIVE OF A STATE'S POLITICAL, ECONOMIC OR SOCIAL SYSTEM, OR ITS MEMBERSHIP WITH OTHER STATES IN THE SAME SUCH SYSTEM."

IN REDRAFTING EXISTING PARA WE HAVE: (A) REVISED

TEXT SO THAT PRINCIPLES " ARE TO BE APPLIED" RATHER THAN " SHALL BE APPLIED". THIS FORMULATION IS JUST AS POLITICALLY BINDING BUT AVOIDS CONFERRING UPON TEXT THE HIGHER LEGAL STANDING WHICH USE OF THE WORD " SHALL" IMPLIES. (B) DROPPED EVERYTHING AFTER PHRASE " SUCH A SYSTEM". THIS ADDITIONAL LANGUAGE MAKES PARA REPETITIVE AND UNWIELDY THEREBY DECREASING THE EMPHASIS ON RESTRICTIONS WITHIN SAME SYSTEM. IF RETAINING REFERENCE TO MEMBERSHIP IN MILITARY ALLIANCES IS OF MAJOR INTEREST TO OTHERS, PHRASE " OR BY REASON OF ITS MEMBERSHIP IN ANY MILITARY ALLIANCE" COULD BE ADDED TO ABOVE PARA. IN THIS CASE WORD " OR" AFTER WORDS " SOCIAL SYSTEM" WOULD BE DELETED. (C) SUBSTITUTED WORD " IRRESPECTIVE" FOR LANGUAGE FROM PRESENT TEXT -- " AND WHICH SHALL NOT BE IN ANY WAY RESTRICTED BY REASON", (AND " SAME SUCH SYSTEM" FOR -- " SUCH A SYSTEM"), BECAUSE SOVIETS HAVE ALREADY ACCEPTED " IRRESPECTIVE" IN NORWEGIAN AND CANADIAN COMMUNIQUE. WE RECOGNIZE, HOWEVER, THAT BY PROPOSING THIS LANGUAGE WE ALSO WOULD BE RUNNING SOME RISK THAT SOVIETS, WHO VIEW RD " IRRESPECTIVE" AS MEANING IRRESPECTIVE OF THE FACT THAT A STATE IS IN A

" DIFFERENT SYSTEM", MIGHT ACCEPT THIS FORMULATION BUT ON CONDITION THAT PARAGRAPH BE RESTRICTED TO PREVIOUS BI-CONFIDENTIAL

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LATERAL COMMUNIQUE LANGUAGE, WHICH MAKES NO REFERENCE TO " MEMBERSHIP IN THE SAME SUCH SYSTEM". THEREFORE, IF OTHER NATO MEMBERS CONTINUE TO PREFER FORMULATION OF CURRENT TEXT ON THIS POINT, WE COULD CONCUR. IN THIS EVENT, THE WORDS " AND WHICH ARE NOT TO BE RESTRICTED BY REASON" WOULD BE SUBSTITUTED IN ABOVE SUGGESTED PARA FOR WORD " IRRESPECTIVE". (WE BELIEVE WORDS " IN ANY WAY" SHOULD BE DROPPED FROM ORIGINAL FORMULATION SINCE THEY ARE NOT NECESSARY TO THE INTENT OF THE SENTENCE AND MAKE IT MORE DIFFICULT FOR SOVIETS TO ACCEPT.)

F. RE OPERATIVE PARA 2, SINCE ALLIANCE DRAFT AGENDA ITEM AND MANDATE IN SECURITY/ PRINCIPLES AREA INCLUDES A REFERENCE TO INVIOABILITY OF FRONTIERS, IT WOULD BE INCONSISTENT TO ARGUE AGAINST INCLUSION IN PRINCIPLES DECLARATION ITSELF. ACCORDINGLY, WE COULD SUPPORT INCLUSION OF SECOND SENTENCE OF OPERATIVE PARA 2 BUT BELIEVE PRESENT WORDING IS UNNECESSARILY FORTHCOMING. WE WOULD PREFER A SHORTENED VERSION OF SENTENCE AS FOLLOWS:

" IN PARTICULAR, EACH STATE HAS THE DUTY TO REFRAIN FROM THE THREAT OR USE OF FORCE TO VIOLATE THE FRONTIERS OF ANY OTHER STATE."

IN VIEW OF LONG- STANDING GERMAN INTEREST IN THIS QUESTION, AND IN LIGHT OF RECENT INDICATIONS OF FRG READINESS TO LIST

INVIOABILITY SEPARATELY IN PRINCIPLES MANDATE, WE WOULD BE INTERESTED TO LEARN GERMAN VIEWS ON APPROPRIATE FORMULATION FOR THIS ISSUE IN DECLARATION ITSELF.

RE THIRD SENTENCE RELATING TO CBM' S: BEGIN FYI: WE REALIZE RECENT INDICATIONS OF SOVIET WILLINGNESS TO INCLUDE SEPARATE DISCUSSION OF CBM' S UNDER SECURITY MANDATE UNDERCUTS OUR PREVIOUS OBJECTION TO INCLUSION THIS SENTENCE PARA 2. HOWEVER, WE FEEL LANGUAGE OF THIRD SENTENCE EXPANDS CBM PROPOSAL BEYOND PURPOSES WE ORIGINALLY INTENDED, AND WILL BE A DIRECT IRRITANT TO SOVIETS. END FYI. YOU SHOULD CONTINUE TO PRESS FOR DELETION OF THIS SENTENCE. HOWEVER, IF NECESSARY IN FINAL ANALYSIS TO ACHIEVE AGREED ALLIANCE DRAFT, WE COULD ULTIMATELY AGREE TO ITS INCLUSION.

G. RE PARA 3, ALTHOUGH FIRST (UK) VERSION OF THIS
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PARAGRAPH IS PREFERABLE TO SECOND (FRENCH) VERSION, IT IS NOW TOO WEAK. AS PHRASED, WHILE IT IS SIMILAR TO U. S. - SOVIET DECLARATION OF PRINCIPLES, IT DOES NOT STATE A DIRECT OBLIGATION OF NON- INTERFERENCE BUT ONLY TO " PROMOTE CONDITIONS" IN WHICH STATES" WILL NOT BE SUBJECT" TO INTERFERENCE.

WE WOULD LIKE TO STRENGTHEN THE CONCEPT IN THIS DOCUMENT AND WOULD THEREFORE PROPOSE TO REDRAFT THIS PARA TO READ:

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" EACH STATE WILL PROMOTE CONDITIONS IN WHICH
EVERY OTHER STATE WILL LIVE IN PEACE AND SECURITY,
AND WILL NOT SUBJECT ANY OTHER STATE TO INTER-
VENTION OR INTERFERENCE IN ITS INTERNAL AFFAIRS."

COUPLED WITH THE " DECLARES" PARAGRAPH WE BELIEVE THIS TEXT EMBODIES A SATISFACTORY PRINCIPLE AGAINST SUCH STEPS AS INTERVENTION IN CZECHOSLOVAKIA, WHILE AVOIDING SOME OF THE LANGUAGE WE HAVE NEVER PARTICULARLY CARED FOR IN FRIENDLY RELATIONS DECLARATION WHICH IS REPEATED IN ALTERNATE VERSION OF PARAGRAPH 3.
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H. BRACKETS AND FOOTNOTE ON PARA 4 CAN BE DROPPED.

I. RE PARAGRAPH 6, SEE STATE 26071.

J. RE PARAGRAPH 8, WE CONTINUE PREFER SECOND VERSION.

K. RE PARAGRAPH 10, WE COULD AGREE TO INCLUSION OF THIS PARA IF OTHER ALLIES DESIRE.

L. RE PARAGRAPH 11, IN VIEW OF FACT THAT SOVIETS HAVE AGREED TO INSCRIPTION OF SEPARATE AGENDA ITEM ON HUMAN CONTACTS WE REMOVE OUR OBJECTION TO TREATMENT OF THIS SUBJECT

IN PARA 11. INDEED, GIVEN EMPHASIS WE HAVE PLACED ON THIS ISSUE WE NOW FEEL WESTERN STATEMENT OF PRINCIPLES WOULD NOT LOOK RIGHT WITHOUT SUCH PROVISION. TO STRENGTHEN INITIAL ALLIED NEGOTIATING POSITION, THIS PARAGRAPH MIGHT BE WORDED AS FOLLOWS:

" EACH STATE HAS THE DUTY TO PROMOTE A FREER FLOW OF INFORMATION, TO BRING ABOUT INCREASED CONTACTS AND A FREER MOVEMENT OF PEOPLE, AND TO FACILITATE
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A BROADER DISSEMINATION OF KNOWLEDGE AND IDEAS BETWEEN ITS PEOPLE AND THOSE OF EVERY OTHER STATE."

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M. RE PARAGRAPH 12, YOU SHOULD BE GUIDED BY STATE 26154 (CHANGING WORDS " ARMS CONTROL" TO " ARMS LIMITATION").

N. WE DO NOT FAVOR INCLUSION OF SANCTIONS- TYPE PARAGRAPH SUCH AS SUGGESTED IN PARA 14; IT WOULD BE INEFFECTIVE AND GIVES TEXT A NEGATIVE CAST. IN ADDITION, SINCE IT COMMITS PARTICIPANTS TO TAKE POSITIVE ACTION, IT IS ARGUABLY NOT A GUIDING PRINCIPLE AND THEREFORE RAISES SERIOUS TREATY QUESTIONS. IN CONTRAST, WE FAVOR RETENTION OF PARA 13 IN ORDER TO MAKE CLEAR THAT THIS TEXT DOES NOT

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ALTER BALANCE OF UN CHARTER. FYI: PARA 13 ALSO PROVIDES BASIS FOR MAINTAINING THAT QUADRIPARTITE RIGHTS IN GERMANY REMAIN UNAFFECTED BY LANGUAGE OF PRINCIPLES DECLARATION. END FYI.

O. DEPARTMENT HAS NO STRONG PREFERENCE AS TO ORDER IN WHICH OPERATIVE PARAGRAPHS APPEAR. IT WOULD SEEM, HOWEVER, THAT ORDERING AGREED UPON BY THE ALLIES SHOULD REFLECT MAJOR OBJECTIVES ALLIES ARE SEEKING IN PRINCIPLES DECLARATION. IN ADDITION, ALLIES SHOULD DEVELOP CLEAR RATIONALE IN SUPPORT OF THEIR ORDERING IN ORDER TO DEFEND AGAINST SOVIETS, WHO ALMOST CERTAINLY WILL INSIST ON LISTING PRINCIPLES IN ORDER OF THEIR IMPORTANCE TO THE EASTERN BLOCK.

8. COPY OF CLEAN TEXT OF DECLARATION INCORPORATING CHANGES PROPOSED ABOVE BEING SENT SEPTEL. ROGERS

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<< END OF DOCUMENT >>

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